

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

House Bill 3443

BY DELEGATES MAYNOR, LINVILLE, A. HALL AND

RIDENOUR

[Passed March 11, 2023; in effect ninety days from passage.]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §29-1-15, relating to a development or improvement on land subject to review
3 by the State Historic Preservation Office or by any other agency, office, or component of
4 the Division of Culture and History; establishing the division shall not add any additional
5 impediment to such review beyond those required by applicable Federal laws, rules, or
6 regulations; and granting rule-making authority.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. DIVISION OF CULTURE AND HISTORY.

§29-1-15. Development or improvement on land; State Historic Preservation Office; rules and regulations.

1 All development or improvement on land, including any disturbance in a right-of-way,
2 construction project, or infrastructure project, subject to review by the State Historic Preservation
3 Office or by any other agency, office, or component of the Division of Culture and History for
4 prehistorical, historical, archaeological, architectural, or cultural value shall be conducted in the
5 most expedient manner possible. The division shall not add any additional impediment to such
6 review beyond those required by applicable Federal laws, rules, and regulations and shall have
7 no authority to comment, regulate, or otherwise cause another governmental entity to comment
8 upon or regulate, that activity, except in consideration for primacy or continued federal funding.

9 The commissioner shall have the power to make and promulgate rules and regulations in
10 in conformity with this section, and the commissioner shall modify, upon the effective date of this
11 legislation, any active rule in conflict with the provisions of this section.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect ninety days from passage.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2023.

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Governor